

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

KEITH HARRY WASHINGTON, #1487958 §

VS. § CIVIL ACTION NO. 6:17cv401

LORIE DAVIS, ET AL. §

MEMORANDUM OPINION ADOPTING THE REPORT
OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Keith H. Washington, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights. The case was referred to the United States Magistrate Judge, the Honorable K. Nicole Mitchell.

On October 25, Washington filed a motion for voluntary dismissal, (Dkt. #61), asking the Court to dismiss his lawsuit. Subsequently, Judge Mitchell then issued a Report, (Dkt. #62), recommending that Washington's motion for a voluntary dismissal be granted and that his lawsuit be dismissed without prejudice. A copy of this Report was sent to Washington at his address, return receipt requested. The docket illustrates that he received a copy of the Report on November 26, 2018, (Dkt. #64). However, to date, no objections to the Report have been filed.

Consequently, Washington is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See*

United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

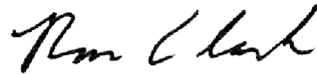
ORDERED that the Report of the United States Magistrate Judge, (Dkt. #62), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that Plaintiff's motion for voluntary dismissal, (Dkt. #61), is **GRANTED**. Plaintiff's civil rights lawsuit is **DISMISSED** without prejudice. Finally, it is

ORDERED that any and all motions which may be pending in this case are hereby **DENIED**.

So Ordered and Signed

Jan 7, 2019



Ron Clark, Senior District Judge